

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA,	:	
	:	
-v-	:	06-CR-122 (LAP)
	:	
LINDALE SMITH,	:	<u>ORDER</u>
	:	
Defendant.	:	
-----	X	

LORETTA A. PRESKA, United States District Judge:

The conference scheduled for 11:00 a.m. EST on May 25, 2021 will occur as a videoconference. The Court will communicate separately to counsel information for joining the conference. Members of the public may observe the conference using the following listen-only teleconference information: (877) 402-9753, access code: 6545179. In accordance with the Court's Emergency Individual Rules and Practices in Light of COVID-19, counsel should adhere to the following rules and guidelines during the hearing:

1. Each party should designate a single lawyer to speak on its behalf (including when noting the appearances of other counsel on the telephone).
2. Counsel should use a landline whenever possible, should use a headset instead of a speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.
3. To facilitate an orderly teleconference and the creation of an accurate transcript, counsel are *required* to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.
4. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the new participant and confirm that the court reporter has not been dropped from the call.

If possible, defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with the Defendant prior to the proceeding. If the Defendant consents, and is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form **at least 24 hours prior to the proceeding**. In the event the Defendant consents, but counsel is unable to obtain or affix the Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature to the form.

To the extent that there are any documents relevant to the proceeding, counsel should submit them to the Court (by email or on ECF, as appropriate) at least **at least 24 hours prior to the proceeding**. To the extent any documents require the Defendant's signature, defense counsel should endeavor to get them signed in advance of the proceeding as set forth above; if defense counsel is unable to do so, the Court will conduct an inquiry during the proceeding to determine whether it is appropriate for the Court to add the Defendant's signature.

SO ORDERED.

Dated: May 24, 2021
New York, New York



LORETTA A. PRESKA, U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA,

-v-

**CONSENT TO PROCEED BY
VIDEOCONFERENCE**

_____-CR-_____() ()

,
Defendant(s).

-----X

Defendant _____ hereby voluntarily consents to participate in the following proceeding via videoconferencing:

___ Initial Appearance/Appointment of Counsel

___ Arraignment (If on Felony Information, Defendant Must Sign Separate Waiver of Indictment Form)

___ Preliminary Hearing on Felony Complaint

___ Bail/Revocation/Detention Hearing

___ Status and/or Scheduling Conference

___ Misdemeanor Plea/Trial/Sentence

Defendant's Signature
(Judge may obtain verbal consent on Record and Sign for Defendant)

Defense Counsel's Signature

Print Defendant's Name

Print Defense Counsel's Name

This proceeding was conducted by reliable videoconferencing technology.

Date

U.S. District Judge/U.S. Magistrate Judge